

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

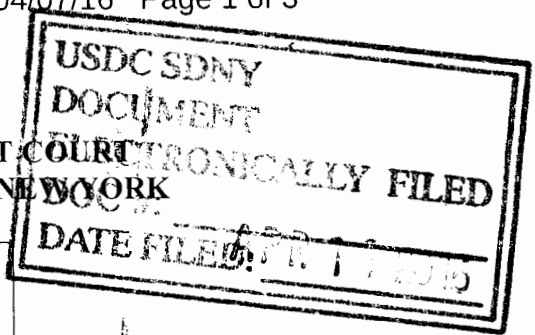
LUIS SANCHEZ ALMONTE, on behalf of himself  
and all others similarly situated,

Plaintiff,

-against-

MARINA ICE CREAM CORP.; SELINGER ICE  
CREAM CORP.; FRANK BARONE, individually;  
MIKE BARONE, JR., individually;

Defendants.



No: 1:16-cv-00660 (GBD)

[REDACTED] Civil Case  
Management Plan and  
Scheduling Order

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. An initial pretrial conference will be held on Thursday, April 14, 2016 at 9:30 a.m. at the United States District Courthouse, 500 Pearl Street, New York, New York, Courtroom 11A.
2. No **Additional parties** may be joined after **July 14, 2016, except with leave of the Court.**
3. No amendment to the pleadings will be permitted after **July 14, 2016.**

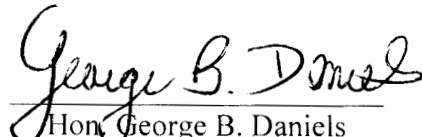
**Paragraphs (1) and (2) do not apply to Plaintiff's right to add FLSA opt-in Plaintiffs within the period to be set by the Court should the Court grant Plaintiff's contemplated motion to authorize a collective action notice under FLSA, 29 U.S.C. §216(b) (the "FLSA Conditional Certification Motion").**

4. Except for good cause shown, all **non-expert discovery** shall be commenced in time to be completed by **September 15, 2016, or to the extent the Court grants plaintiff's contemplated FLSA Conditional Certification Motion, nine (9) months after the Court grants such motion, whichever is later.** The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances. **All expert discovery shall be commenced in time to be completed by October 14, 2016, or within 30 days of the end of the non-expert discovery period, whichever is later.**
5. **Plaintiff shall serve any FLSA Conditional Certification Motion by May 13, 2016. Defendants shall serve any answering papers by June 13, 2016. Plaintiff shall serve any reply to Defendants' opposition by June 27, 2016.**

6. **Dispositive motions, plaintiff's motion for Rule 23 Class Certification, and/or Defendants' motion to decertify the FLSA collective (the "Post-Discovery Motions"), if any** are to be served by **November 11, 2016, or within 30 days of the end of expert discovery, whichever is later.** Answering papers are to be served within 21 days. Reply papers are to be served within ten (10) days. In the event **any of these Post Discovery Motions** are made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three (3) weeks from the decision on the **motion(s)**. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the **motion(s)**.
7. **Subject to paragraph 6 above, a final pretrial conference** will be held on **December 16, 2016** at 9:45 a.m., **or within one (1) week of the deadline to serve Post-Discovery Motions, whichever is later.**
8. **Subject to paragraph 6 above, the Joint Pretrial Order** shall be filed no later than **December 9, 2016, or within one (1) month of the deadline to serve Post-Discovery Motions, whichever is later.** The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.
9. **All motions and applications** shall be governed by the Court's Individual Rules of Practice.
10. The parties shall be **ready for trial** within 48 hours, notice on or after **January 6, 2017, or within one (1) month of the deadline to file the Joint Pretrial Order, whichever is later.** The estimated trial time is **7-10 days**, and this is a nonjury trial.
11. **A Subsequent Case Management Conference** will be held on **August 11, 2016** at 9:45 a.m.

Dated: April 7, 2016  
New York, New York

SO ORDERED:

  
Hon. George B. Daniels  
United States District Judge

Submitted by:

/s/ Brian S. Schaffer

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